

Applicant : Yaakov Naparstek
Serial No. : 09/826,069
Filed : April 4, 2001
Page : 2

Election Requirement

In the July 11, 2003 Office Action, the Examiner alleged that the application contains patentably distinct species and required election of:

- A) a single specific peptide, or a single combination of peptides, from those listed in claim 41 and
- B) a list of all claims readable thereon including those subsequently added. The Examiner stated that claims 39-43 and 46 are generic.

The Examiner went on to state that different peptides comprise different amino acid sequences and will bind different antibodies. The Examiner concluded that methods of treating a subject having SLE comprising the use of said peptides to bind lupus antibodies are independent and patentable over one another.

In response, applicants hereby elect the peptide R38, whose amino acid sequence is shown as SEQ. ID. NO. 1 for the purpose of preliminary examination. Claims 39-42, 44 and 46 read on the elected subject matter.

However, for the record, applicants understand the July 11, 2003 Office Action to be requesting an election of a species for initial examination, but to not be a restriction requirement. Accordingly, applicants have replied to the July 11, 2003 Office Action under the understanding that the elected species will be the first to be examined, and if found allowable, examination of other species within generic claims 30 and 40 will follow.

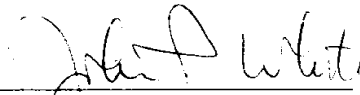
If a telephone interview would be of assistance in advancing prosecution of the subject application, applicant's undersigned attorney invites the Examiner to telephone the number provided

Applicant : Yaakov Naparstek
Serial No. : 09/826,069
Filed : April 4, 2001
Page : 3

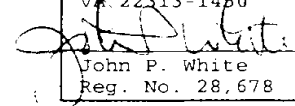
below.

No fee, other than the enclosed fee of \$110.00 for a one-month extension of time, is deemed necessary in connection with the filing of this Response. However, if any additional fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

Respectfully submitted,



I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Va. 22313-1450


John P. White
Reg. No. 28,678

9/11/02

Date

John P. White
Registration No. 28,678
Attorney for Applicant
Cooper & Dunham LLP
1185 Avenue of the Americas
New York, New York 10036
(212) 278-0400